

CASE LD0189 NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

BANDYOPADHYAY ET AL.

APPLICATION NO: 10/051,727

FILED: JANUARY 17, 2002

FOR: PARENTERAL FORMULATION FOR EPOTHILONE ANALOGS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22013-1450

TERMINAL DISCLAIMER

Sir:

Bristol-Myers Squibb Company, a Delaware corporation, having a place of business at Lawrenceville-Princeton Road, Princeton, NJ 08543-4000, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which was recorded in the United States Patent and Trademark Office on April 16, 2002 at Reel/Frame 012593/0470.

Bristol-Myers Squibb Company hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,576,651 issued June 10, 2003 and Patent No. 6,670,384 issued December 30, 2003. Said Patent Nos. 6,576,651 and 6,670,384 are also assigned to Bristol-Myers Squibb Company by virtue of an assignment which an assignment which were recorded in the United States Patent and Trademark Office on April 17, 2002 at Reel/Frame 012596/0586 and August 20, 2002 at Reel/Frame 013202/0795.

Bristol-Myers Squibb Company hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and prior Patent Nos. 6,576,651 and 6,670,384 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.


Case LD0189 NP

In making the above disclaimer, Bristol-Myers Squibb Company does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of prior Patent Nos. 6,576,651 and 6,670,384, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, is abandoned, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 31 day of March, 2004 by the undersigned attorney of record.

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